

## **DISTRICT ADVISORY BOARD (DAB) I**

### **MEETING MINUTES**

**Monday, March 6, 2006**

**7:00 p.m.**

**Atwater Community Center, 2755 E. 19<sup>th</sup>, Wichita, Kansas 67214**

#### **Members Present**

Council Member Carl Brewer  
Treatha Brown-Foster  
Lois Daniels  
Gerald Domitrovic  
Hayley Domitrovic\*  
Lori Lawrence  
Debra K. Miller Stevens  
Debby Moore  
Steve Roberts  
Inga Taylor\*  
James Thompson  
LaVonta Williams

#### **Members Absent**

Michael Ross\*  
Sharon Myers  
Shontina Pickens\*

#### **Guests**

D. Carrington, 1532 Gentry  
Beverly Domitrovic, Schweiter NA  
Joseph Donaldson, 4402 E. Central  
Abeola Dipeola, 4402 E. Central  
John Stevens, 3125 E. Boston  
Eric Bruce, 303 S. Topeka  
Rickey Powell, 510 N. Crestway  
Deneice Fleming, 555 Woodlawn  
Karen Lippoldt, 555 N. Woodlawn  
Dayne Rinehart, 9310 E. Marlow  
Devoe Treadwell, Park Village  
Jordan Carney, 11 Swallow  
**(list continued at the end of minutes)**

#### **\*Alternates**

#### **City of Wichita Staff Present**

Virdena Gilkey, Neighborhood Assistant  
Officer Doug Gerdes, WPD  
Officer M. M. Tennyson, WPD  
Bill Longnecker, Planning  
Don Kirkland, Water & Sewer

### **Order of Business**

#### **Call to Order**

**Council Member Carl Brewer** called the meeting to order at 7:07 p.m. and welcomed the guests.

#### **Approval of Minutes**

**Moore (Roberts)** made a motion to approve the minutes as submitted. Motion carried 8-0.

#### **Approval of Agenda**

**Moore (Miller Stevens)** made a motion to approve the agenda as submitted. Motion carried 8-0.

### **Public Agenda**

#### **1. Wichita Youth Promise Council**

**Megan Do and Jordan Carney, Wichita Promise Youth Council**, presented information on projects and future goals of the organization. Ms. Do explained that Wichita Youth Promise is sponsored by the Regional Prevention Center. WYP provides youth oriented objectives that address: youth needs, street outreach, and various retreats.

Ms. Carney explained the Hands on Wichita program, which was created in 2005 to assist with painting, landscaping, and minor home repair. On April 22, 2006; 9:00 a.m. – 3:00 p.m.; the Hands on Wichita program will be in operation. Call Sarah at 262-2421 to become involved. It is our hopes that the entire community be involved, especially the youth.

**Brown Foster** asked if they partnered with other groups on teen pregnancy and drugs? *Yes we do.* **Williams** is it too late to get the schools involved in the Hands on Wichita? *Yes, it is too late at this time.* **Brewer** commented that at the National League the Youth Promise did an outstanding job representing our city.

**Roberts (Williams)** made a motion to receive and file. Motion carried 8-0.

**2. Youth Violence Prevention**

**Karen Lippoldt and Denise Flemings, Mental Health Association**, presented information on youth violence prevention.

**Karen Lippoldt**, explained that the Mental Health Association received a federal grant a year and half ago. There are several areas that this grant covers: 1) Juvenile Justice presentations to educate community; 2) an educational resource handbook for children who are violent at school (currently being developed); and 3) parenting classes to assist with current skills and parent/teenager programs (currently being offered). This grant ends in August 2006. They are searching for additional grant funding.

**Denise Fleming** reported that they are currently offering parenting/teen classes at the Atwater Neighborhood City Hall and for the Weed & Seed Program. The classes teach social development, building strong bonds, and how to allow teens to have a voice and share their needs with parents. The successes for this program are that one male youth was prevented from becoming inducted into a gang and another young man turned his gun over to his parents. The goals of the program are to reach the teenage population; offer free material and free classes; and target the individual needs of youth.

**Williams** suggested that they use the free advertisement in the neighborhood newsletters. **Brown Foster** added that they should make presentations at neighborhood association meetings. She said that she would contact them to speak at her neighborhood association and that she believes their program is great. **Tipton** asked what is the targeted age group and would they be willing to present their information to a school site council? Ms. Lippoldt responded that the targeted age group is 8 to 15 years old. They would definitely be willing to present to the site council.

**Williams (Brown Foster)** made a motion to receive and file. Motion carried 8-0.

**3. Off-agenda items**

No items submitted.

**Staff Reports**

**4. Police Report**

**Officer Doug Gerdes, 43 Beat Coordinator**, reported the following: 1) until June 2006, he will be a sub for Officer Jones, who is working at the WPD Training Center; 2) Beat 44 is conducting a door to door survey to obtain information from citizens in regards to how they feel about their neighborhood and city services; 3) Beat 43 will conduct a survey next to see how citizens feel about their neighborhood; 4) officers at Patrol East have completed training and are now using tasers.

**Brown Foster** asked if the door-to-door survey is for the Weed and Seed area? Officer Gerdes responded yes. The surveys are done mainly through the Weed and Seed.

**Roberts (Moore)** made a motion to receive and file. Motion carried 8-0.

**Unfinished Business**

No items submitted.

### New Business

#### **5. South Central Neighborhood Plan**

**Scott Knebel, Planning**, presented the current South Central District Revitalization Plan. He stated the South Central Neighborhood is bound by Kellogg on the north, the Arkansas River on the south and west, and Washington and the railroad tracks from Pawnee to the Arkansas River on the east. In 1995, a plan for the South Central Neighborhood entitled *A Revitalization Plan for the South Central District* was prepared but was never formally adopted.

Mr. Knebel further explained that the planning process consists of a 12 member Steering Committee, a Technical Review Committee, MAPC involvement, neighborhood association meetings, a community survey mailed out to 2000 households, a youth survey via the schools and a visual preference survey. The top issues identified were: neighborhood image, housing, business and industry, and recreational activities. The goals and initiatives identified are: Strengthen citizen involvement; improve the visual appearance of the neighborhood; improve neighborhood safety; improve neighborhood infrastructure; promote the unique character and historical significance of the neighborhood; increase homeownership; improve existing housing stock; preserve the character of residential areas; promote economic opportunities; reduce the negative impact of incompatible businesses; increase education and employment opportunities for residents; increase recreational opportunities; promote the river as a community destination; increase use of existing and neighborhood facilities.

This plan promotes the unique character and historical significance of the neighborhood, as well as, outlines the community's vision of what the South Central neighborhood will be like in 2030. This plan also looks at how to increase home ownership via incentives and market opportunities; improve existing housing stock; preserve the character of residential areas; promote economic opportunities through new businesses; increase education and employment opportunities, increase recreational opportunities, promote the river; increase the use of neighborhood facilities; and reduce the negative impact of incompatible businesses.

The plan will be presented to the City Council on May 9<sup>th</sup> and to the County on May 10<sup>th</sup>.

*(Mr. Knebel response is in italics)*

**Lawrence** asked if the goals to be decided by the council are in place? The City Council will decide, but the goals are still in the planning process to be adopted. **Williams** commented that she is in total support of this plan after having taught in the area over 28 years. The Hamilton Middle School upgrade reflected a new atmosphere and the students' grades reflected that change. Once the expectations of the neighborhood are raised, we will see a reflection of that change in the citizens. **Brown Foster** commented that she is in total support of the plan as it is a win-win for all. **Brewer** asked if anyone from the audience would like to comment on the South Central Plan? No one came forth. He then recognized the individuals from the South Central area.

**Brown Foster (Roberts)** made a motion to adopt the plan as an element of *The Wichita-Sedgwick County Comprehensive Plan*. Motion carried 8-0.

#### **6. Proposed Changes to Manufactured Home Park Regulations**

**Scott Knebel, Planning**, presented information on the proposed changes in regulating manufactured homes. The State Legislature has passed legislation that pre-empts local licensing of manufacturing home installers; therefore, changes to the City's licensing code are needed to be consistent with State law.

Mr. Knebel explained that the changes are to increase setback along arterial streets from 20 feet to 25 feet and to increase the setback from other property lines from 10 feet to 20 feet. There is also a screening requirement for new development for a 6' to 8' high masonry screening wall along all arterial and collector streets, compliance for existing properties; and non-conformity conditions with the loss of rights.

*(Mr. Knebel's response is in italics)*

**Stevens** asked if there is a separate licensing for space when dealing with non-conformity issues? *No. Parks are licensed for a certain number of spaces. For example, a park may be licensed for up to 12 spaces with only 8 units.* **Tipton** asked if these regulations would affect current or just new developments? *Both.* **Domitrovic** asked what are the current fees? *The current fees range from \$40 to \$400. All fees will increase by \$20.*

**Devoe Treadwell, 130 South Greenwich Road,** reported that he owns 362 spaces with a 30% vacancy. He addressed that board by stating that his disagreement with that this plan does not allow for grandfather rights, which no existing location has ever been asked to give up. He stated that the screening ordinance would take care of the requirements necessary. He added that 90% of the elderly residents in Park Village are below the poverty level and this cost must be passed on to the tenants. The cost incurred would be a couple hundred thousand dollars and would raise the rent of low-income tenants approximately \$35. At least 50% of the tenants would be displaced as a result, because they cannot afford the price increase. People that live in mobile home parks are poor people. He stated that he currently waives rent for poor ladies and could not continue to do that with the new requirements.

Mr. Treadwell continued by stating that he does not want to put in a new park and believes the city wants to take away property rights. *The state regulates how homes are built. We had to address licensing of installers. The licensing of mobile home parks is simple.*

**Marilyn McClure, 10571 S.W. Shumory, Augusta, KS,** commented that the South Wichita Haysville Plan has no input from the park owners. Manufactured housing is affordable housing, not subsidized housing. The screening issues are major and no other housing developments have to do this. She stated that she understands the licensing. However, it is a big thing to give up our rights.

**Brown Foster** asked if the state requires screening and if this only applies to newer parks? *The proposal includes old areas. Each park developed prior to or after the ordinance would have to add the screening requirement within 12 months.* **Domitrovic** asked if individual inspections would take place for the screening requirement? *If screening is required today, screening will be required when the license are renewed. There will be a number of places that will not have screening requirements.* **Ms. McClure** commented that most manufactured homes are 16"x80" and room must be made for the screening, which is not that easy to do because park owners do not have that much room to loose. **Mr. Knebel** responded that screening requirements have been in place since 1974. *We have to modify the ordinance for home installers.* **Stevens** commented that statements were made that persons involved in this was not invited. *We did not involve them initially, but we have within the last two weeks.* Stevens asked what percentage would be affected by the non-confirming law? *The majority of single mobile homes on single lots. The majority is in large parks.* **Randy Sparkman, OCI,** responded that enforcement would rest on his desk. The City would never consider revoking license unless we have spent many years of corrective action. Hundreds of folks out on the streets could happen at some point in time, but that would have to be through Council action. The parks will be given ample opportunity to comply with the new regulations. Right now, the enforcement has no teeth as is. We cannot go into a manufacturing park to regulate. **Ms. McClure** responded that the City has worked with them; however, the next

supervisor may not feel like he does. What is written down is what stands up in court. That is the only way it can be enforced. **Miller** stated that she could not support this proposal as it currently stands. If people are afraid, the changes were not adequately explained. The screening and non-conformity issues are of great concern. *In our meeting on last Wednesday, the two issues were the screening wall along the arterial and the loss of non-conforming rights for small parks. While we understand, we do not agree and must comply with State regulations.*

**Dave Rhinehart, 9310 E. Marion**, stated that he is a manufacturing home dealership and no other form of housing is being attacked like the manufactured homes. He stated that he does not agree with the City taking away grandfather rights and is in support of the parks.

**Stevens** asked if there is a deadline to meet state regulations? *Yes, by the end of June.* **Moore** commented that the fact that they are providing housing to poor residents should be considered. If we displace those people, there is no alternate plan.

7. **ZON2005-00058**

**Bill Longnecker, MAPD**, explained that the site is located on the northeast corner of Crestway and Central Avenue. The applicant is requesting the zoning be changed to "NO" Neighborhood Office, as they plan to convert the residential structure into an office. Mr. Longnecker further explained the surrounding zoning in the area: "TF-3" and "MF-20" zoning on the east side of the site, with "GO" zoning another two blocks from the site; "TF-3" and "SF-5" on the north of the site; "TF-3" zoning west of the site, with the nearest nonresidential zoning another seven-blocks west of the site and "SF-5" and "TF-3" zoning on the south side of Central and "LC" zoning a block and a half east of the site on the south side of Central. There are at least two home-based businesses along Central, between Hillside and Oliver, a dental and a hair salon.

Mr. Longnecker also explained that in accessing the history of this portion of Central's home based businesses, there were two variances attached to them. One was a variance to allow a non-family member to work in the home of a home-based dental business and the other variance was for a sign for the hair salon. Staff explained that the applicant was advised to look at his business as a potential home based business, within the conditions sit in the Unified Zoning Code, but that the sign the applicant had on the site seemed to be the issue that prevented the applicant from going the home based business route. Because the applicant's request is spot zoning, staff recommended **denial** of the requested "NO" zoning. The Planning Commission also recommended denial 6 to 5.

**Joseph Donaldson, 4402 E. Central, applicant**, explained that their business provides counseling services, couples therapy, family therapy, vocational rehabilitation services, and services to people with disabilities. They do not work with sex offenders, predators or substance abuse persons. He and his partner are licensed therapists with a home occupation business. Not knowing the ordinance requirements, they went to Signs Now to have a sign made for their business. They were not informed until a month later that the sign was in violation. This was after they had spent \$1,500. Mr. Donaldson added that he went to MAPD and was told to apply for a variance and for the "NO" zoning. They decided to apply for the "NO" zoning, because he wanted to be able to come and go from the property as opposed to living on-site. Now that they did as they were advised, they have been told that they have to cut down the sign. **Abiola Dipeolu, partner**, commented that the issue at the MAPC meeting was not about the zoning, but turned into a debate about grandchildren playing in the alley. She added that they are equally concerned about the safety of children, but they have never seen children playing in the alley. When they spoke with one of the tenants in the area, he informed them of his concern that they were working with pedophiles, which is not true. She stated that as a doctor, who is a trained psychologist and employed at Wichita State University, she is ethically bound to not endanger children. They just want to offer a service that would benefit the community.

Mr. Longnecker responded that the Planning Department will advise an applicant prior to paying the application fee, if they will not support a zone change and he also noted that the staff will advise the applicant that although the MAPD is typically a business friendly group they cannot and will not advise them as to how the MAPD will recommend a case. He stated that he has spoken to the applicant about the zoning and told him that the zoning would not be recommended due to "spot zoning". He also stated that he had sent the applicant an e-mail, which detailed the variance cases on this portion of Central and applied the five criteria for a variance on the applicant's sign and noted that the applicant's sign did not meet the five criteria and as such the staff could not recommend approval for a variance. Mr. Donaldson responded that he had never consulted with Mr. Longnecker, but a Jess and a Mr. Miller and that Mr. Longnecker only became involved in this matter at the third stage, when he came out to take pictures of the area.

**Ricky Powell, 510 North Crestway**, showed the property line and pointed out where the clients of FirstStarr would have to access the business. He added that many kids play in the alley regularly.

*(Mr. Donaldson and Mr. Longnecker's response is in italics)*

The board was concerned with the following: 1) does the applicant run the business without anyone on-site; *Mr. Donaldson responded that he is on-site running the business. The only time I am not there is when I go to visit my wife or our other location;* 2) does the property meet parking requirements; *Mr. Longnecker responded that he was not sure. As "GO", it would require four parking spaces. Looking at the minimum of four parking spaces, it possibly could meet the requirement;* 3) was the sign put out before or after receiving the license; *Mr. Donaldson responded that the sign was placed prior to receiving the license;* 4) is the problem with a sign in the yard; *Mr. Longnecker responded that home occupation requires signage on the home;* 5) how much of a problem is it to place the sign on the home; *Mr. Donaldson responded that he would rather not have to move the sign, but if he has to, he would;* 6) how is the dental office sign similar to their sign; *Mr. Longnecker responded that he thinks the dental office has a variance as "LC", but won't know for sure until it is researched;* 7) how many patients are seen per week; *Mr. Donaldson responded that they serve approximately nine patients per week, but not all at once;* and 8) agree with the spot zoning analysis.

A few additional comments were made.

**Thompson (Moore)** made a motion to support staff's recommendation to deny the request. Motion carried 7-1 (**Domitrovic** opposed).

The board took a five-minute break. **Pro-tem Stevens** reconvened the meeting.

#### **8. Proposed Southeast Water Transmission Main**

**Don Kirkland, Water & Sewer Department Director**, presented information on the 2005 Water & Sewer Department Water Master Plan. He explained that the 2005 update to the Water & Sewer Department Water Master Plan indicates that a Southeast Booster Pump Station is required by the summer of 2006 to improve system pressures from Oliver Street to Webb Road and between 17<sup>th</sup> Street North and Central, which is currently in the Hess Pressure Zone.

He explained that the Southeast Booster Pump Station would initially use water from the existing 20-inch water main in Harry Street to supply the pumps and boost the pressure. The Water Master Plan indicates that a larger supply of water to the booster pump station will be required by the peak usage period in the year 2008. Also, that the larger supply of water come from a water transmission main that would tie into an existing 48-inch water main near Maple Street and Exposition Street and end at the proposed Southeast Booster Pump Station.

Mr. Kirkland stated that Phase 1 is in District IV and connections to the existing mains are located in District 1.

*(Mr. Kirkland's response is in italics)*

**Stevens** commented that this project has been in the CIP for some time and asked if it would be completed in 2008? **Domitrovic** inquired about the connection to the Southeast future pump station. *That is being constructed now. The transmission main on the west section is just east of the arena site.* **Brown Foster** asked if most of the old pipes have been replaced along 17<sup>th</sup> and Central? *Some have been replaced, but not all. Others will be replaced with the arena project.* **Steve Palmer** added that the new pump station would handle the new pressure zone in that area. **Stevens** asked if they anticipated issues with obtaining permits to fix streets? **Eric Brocks, PEC**, responded that they conducted a study and don't foresee problems obtaining permission. *Most of the repair will be in the middle of the street, in the City right of way.*

**The District Advisory Board provided public comment and accepted the report.**

**9. Proposed Farmers Market Zoning and Licensing Requirements**

**Randy Sparkman, OCI**, presented the request for regulatory changes to allow outdoor farmers markets in "LC" Limited Commercial zoning districts for more than two days per month. He explained that farmers markets are not specifically defined and/or regulated by either the Wichita-Sedgwick County Unified Zoning Code (UZO) or by City of Wichita "miscellaneous sale" or "transient merchant" licensing ordinances. Per current UZO requirements, outdoor farmers markets are regulated as "outdoor business promotion and/or sales". "Outdoor business promotions and/or sales" are limited in the "LC" Limited Commercial district to not more than 2 days per month. In less restrictive zoning districts, farmers markets may occur for an unlimited number of days (provided certain other required City sales and/or vendor/business licenses are obtained).

He stated that the City of Wichita did not know that Kansas State law exempted farmers from Transient Merchants license requirements. However, they are still bound by licensing in Wichita. As a result, the City Council gave directive to amend our requirements to make it easier for farmers to conduct business. General direction provided by the City Council with respect to outdoor farmers markets includes the following: a. Should be defined and regulated in the UZO, and additionally controlled through local licensing; b. Should focus primarily on agricultural products grown or raised by local or regional farmers; c. Should allow for sale of home crafts, handicrafts and certain home-baked and prepared foods; d. Should allow for some transient merchant vendors and other transient/mobile food vendors; e. Should be allowed for more than two days per month in the "LC" zoning district (maximum of five days per month is suggested); and e) Should be restricted to a maximum number of days per month in all less restrictive zoning districts than "LC" (maximum of five days is suggested).

Mr. Sparkman further explained that the farmer's market would be located in "LC" zoning, operations would be extended from two days to five days, and there would be regulation 365 days of transient merchants. The application fees for a farmer's market may be issued by the week, by the month, or for an entire 7-month season per the following fee schedule: per week - \$50, per month - \$75, and per 7 month growing season - \$150. It is desired that the merchants self-regulate. Operators must provide information on each individual in the market: a. must provide license and must provide a receipt to their clients. Vendors who sell prepared foods are not covered under the transient merchants license and have an additional license requirement.

*(Mr. Sparkman's response is in italics)*

**Moore** commented that with neighborhood gardens in the community, would this regulate churches or neighborhood associations not to sell and is the farmers in county that produce, limited to five days per month? *If the produce was taken to another location, under the Transient Merchants' requirements and limited to five days per month. The farmers would fall under this as well.* **Brown Foster** inquired about the operator and asked if there is a certain group of vendors able to operate under these requirements? For example, would tennis shoes and crafts be accepted? *If the event is called a Farmer's Market, vendors are allowed to sell and would be regulated the same. Each farmer must have his or her own tax identification number. It is the operator's responsibility to regulate each vendor.* **Roberts** recommended that **Section 3.94.110 - Prohibited acts #j**, be 200 feet as opposed to 150 feet.

**Brown Foster (Thompson)** made a motion to support the proposed changes to the Farmers Market Zoning and Licensing Requirements. Motion carried 7-1 (Moore opposed).

### **Board Agenda**

#### **10. Updates, Issues, and Reports**

- **Brown Foster** asked staff to see to it that she gets the minutes from the Overpass Advisory Board meeting.
- **Brewer** announced the next District 1 Advisory Board meeting for April 3, 2006 and the District 1 Coalition Breakfast for April 1, 2006.

**Recommended Action: Take appropriate action.**

With no further business, **Brown Foster (Domitrovic)** made a motion to adjourn. Motion carried 8-0. The meeting adjourned at 10:38 p.m.

Respectfully Submitted,

Virdena Gilkey  
Neighborhood Assistant



Guest List

Megan Do, 1226 S. Goebel  
Glen Dey, 4515 Greenbriar  
Andy Solter, 703 Marcilene  
Vickie Adamson, 1659 S. Broadway  
Dale Churchman, 1357 S. Broadway  
Janice Rich, 619 Greenwood  
Shirley Jefferson, 8042 E. Champions Ct,  
Drusilla Triplett, 1601 N. Estelle  
Marilyn McClure, 10571 S.W. Shumory, Augusta, KS